

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MARYLAND

In re:

Roman Catholic Archbishop of
Baltimore,

Debtor.

Chapter 11

Case No. 23-16969-MMH

Roman Catholic Archbishop of Baltimore, et
al.

Plaintiffs

v.

American Casualty Company of Reading,
Pennsylvania, et al.

Defendants.

Adv. Pro. No. 24-072

**MOVING DEFENDANTS' MOTION TO
WITHDRAW THE REFERENCE OF
INSURANCE COVERAGE ADVERSARY
PROCEEDING FROM BANKRUPTCY
COURT TO DISTRICT COURT**

David K. Roberts (D. Md. Bar No. 18776)
O'MELVENY & MYERS LLP
1625 Eye Street NW
Washington, DC 20006
droberts2@omm.com

-and-

Tancred Schiavoni (admitted *pro hac vice*)
O'MELVENY & MYERS LLP
1301 Avenue of the Americas
17th Floor
New York, NY 10019
Telephone: 212-326-2000
tschiavoni@omm.com

*Counsel to Federal Insurance Company,
Indemnity Insurance Company of North America,
Insurance Company of North America, and
Westchester Fire Insurance Company*

[Additional Counsel on Signature Page]

**MOVING DEFENDANTS' MOTION TO WITHDRAW THE REFERENCE FROM
BANKRUPTCY COURT TO DISTRICT COURT**

Pursuant to 28 U.S.C. § 157(d), Bankruptcy Rule 5011, and Local Bankruptcy Rule 5011-1, Defendants Federal Insurance Company, Indemnity Insurance Company of North America, Insurance Company of North America, Westchester Fire Insurance Company, Hartford Accident and Indemnity Company, Hartford Casualty Insurance Company, Hartford Fire Insurance Company, Twin City Fire Insurance Company, Travelers Casualty and Surety Company formerly known as The Aetna Casualty & Surety Company, The Travelers Indemnity Company, St. Paul Fire and Marine Insurance Company, Northfield Insurance Company, U.S. Fidelity and Guaranty Company, National Union Fire Insurance Company of Pittsburgh, PA, New Hampshire Insurance Company, American Casualty Company of Reading, PA, The Continental Insurance Company as successor-in-interest to Glens Falls Insurance Company f/k/a Fidelity-Phoenix Insurance Company, General Star Indemnity Company, and Employers Insurance Company of Wausau (the “Moving Defendants”) hereby move to withdraw the reference of the above-named adversary proceeding (the “Coverage Action”), in its entirety, from the Bankruptcy Court. As grounds for this Motion, the Moving Defendants state as follows:

This Court should withdraw reference to the Coverage Action for the reasons stated in the Memorandum of Law in Support of the Moving Defendants’ Motion to Withdraw the Reference from Bankruptcy Court to District Court and the authorities submitted in support thereof. As shown in the Memorandum, the Coverage Action raises non-core state-law contract claims, which the Bankruptcy Court does not have statutory or constitutional authority to adjudicate. *See In re McPherson*, 630 B.R. 160, 167 (Bankr. D. Md. 2021) (finding that contract claims “grounded in state law” were “likely non-core proceedings”) (Harner, J.); *Stern v. Marshall*, 564

U.S. 462, 484 (2011) (“When a suit is made of ‘the stuff of the traditional actions at common law . . . ,’ and is brought within the bounds of federal jurisdiction, the responsibility for deciding that suit rests with Article III judges in Article III courts.”). In addition, the Coverage Action does not belong in Bankruptcy Court, as it involves disputed factual issues that require resolution by a jury. Specifically, the Coverage Action concerns whether insurance coverage is available for approximately 1,335 claims asserted against the Archbishop of Baltimore and myriad of related non-debtor entities, which allege that the Archdiocese’s clergy and employees sexually abused the claimants, and that the Archdiocese knew about, ratified, and covered up pervasive sexual abuse by its clergy and employees. As such, the Archdiocese cannot establish it is entitled to coverage based on these disputed factual issues. Such determinations require a jury trial before the District Court. Withdrawal of the reference also promotes both conservation of creditor and debtor resources and the uniformity and expediency of the bankruptcy without encouraging forum shopping. For these reasons and those more fully explained in the accompanying memorandum, withdrawal is proper as to the Archdiocese’s and the other non-debtor Plaintiffs’ entirely state-law breach-of-contract action.

WHEREFORE, the Moving Defendants respectfully request that the reference of this Coverage Action to the Bankruptcy Court be withdrawn, and for such other and further relief as the District Court may deem just and proper.

Respectfully submitted this 17th day of June, 2024.

James P. Ruggeri (Fed. Bar No. 21926)
Joshua D. Weinberg (admitted *pro hac vice*)
Annette P. Rolain (admitted *pro hac vice*)
RUGGERI PARKS WEINBERG LLP
1875 K Street NW, Suite 600
Washington, DC 20006
Telephone: 202-984-1400
jruggeri@ruggertilaw.com
jweinberg@ruggertilaw.com
arolain@ruggertilaw.com

Philip D. Anker (admitted *pro hac vice*)
**WILMER CUTLER PICKERING
HALE AND DORR LLP**
7 World Trade Center
250 Greenwich Street
New York, NY 10007
Telephone: (212) 230-8890
philip.anker@wilmerhale.com

*Counsel to Hartford Accident and
Indemnity Company, Hartford Casualty
Insurance Company, Hartford Fire
Insurance Company, and Twin City Fire
Insurance Company*

-and-

Sam J. Alberts (D. Md. Bar No. 22745)
DENTONS US LLP
1900 K. Street, NW
Washington, D.C. 20006
Telephone: (202) 408-7004
sam.alberts@dentons.com

Patrick C. Maxcy (admitted *pro hac vice*)
Keith Moskowitz (admitted *pro hac vice*)
DENTONS US LLP
233 South Wacker Drive, Suite 5900
Chicago, IL 60606-6361
Telephone: (312) 876-8000
patrick.maxcy@dentons.com
keith.moskowitz@dentons.com

/s/ David K. Roberts
David K. Roberts (D. Md. Bar No: 18776)
O'MELVENY & MYERS LLP
1625 Eye Street NW
Washington, DC 20006
droberts2@omm.com
Tancred Schiavoni, Esq. (admitted *pro hac vice*)
O'MELVENY & MYERS LLP
1301 Avenue of the Americas
17th Floor
New York, NY 10019
Telephone: 212-326-2000
tschiavoni@omm.com
*Counsel to Defendants Federal Insurance
Company, Indemnity Insurance Company of
North America, Insurance Company of North
America, and Westchester Fire Insurance
Company*

-and-

Matthew A. Hoffman (admitted *pro hac vice*)
Ryan S. Appleby (admitted *pro hac vice*)
Isabella R. Sayyah (admitted *pro hac vice*)
GIBSON, DUNN & CRUTCHER LLP
333 South Grand Avenue
Los Angeles, CA 90071
Telephone: 213-229-7584
mhoffman@gibsondunn.com
rappleby@gibsondunn.com
isayyah@gibsondunn.com

Michael A. Rosenthal (admitted *pro hac vice*)
GIBSON, DUNN & CRUTCHER LLP
200 Park Avenue
New York, NY 10166
Telephone: 212-351-3969
mrosenthal@gibsondunn.com

Kevin A. Foreman (Fed. Bar. No. 21688)
CARLTON FIELDS, P.A.
1025 Thomas Jefferson Street, NW
Suite 400 West

Counsel to Travelers Casualty and Surety Company formerly known as The Aetna Casualty & Surety Company, The Travelers Indemnity Company, St. Paul Fire and Marine Insurance Company, Northfield Insurance Company, and U.S. Fidelity and Guaranty Company

-and-

Matthew C. Nelson (Bar No. 19352)
KENNEDYS LAW
222 Delaware Ave, Suite 710
Wilmington, DE 19801
Telephone: (302) 308-6648
Matthew.Nelson@kennedyslaw.com

Margaret F. Catalano (*pro hac vice* forthcoming)
Jillian G. Dennehy (admitted *pro hac vice*)
KENNEDYS LAW
120 Mountain View Boulevard
P.O. Box 650
Basking Ridge, New Jersey 07920
Telephone: (908) 605-2974
Meg.Catalano@kennedyslaw.com
Jillian.Dennehy@kennedyslaw.com

Counsel for Defendant United States Fire Insurance Company

-and-

Justin P. Fasano (Bar No. MD21201)
MCNAMEE, HOSEA, P.A.
6404 Ivy Lane, Suite 820
Greenbelt, MD 20770
Telephone: 301-441-2420
jfasano@mhlawyers.com

Gary P. Seligman (admitted *pro hac vice*)
Ezhan S. Hasan (admitted *pro hac vice*)
WILEY REIN LLP
2050 M Street NW
Washington, DC 20036
Telephone: (202) 719-7000

Washington, DC 20007
Telephone: (202) 965-8100
kforeman@carltonfields.com

Robert W. DiUbaldo (admitted *pro hac vice*)
Nora A. Valenza-Frost (admitted *pro hac vice*)
Alex B. Silverman (admitted *pro hac vice*)
CARLTON FIELDS, P.A.
405 Lexington Avenue, 36th Floor
New York, New York 10174
Telephone: (212) 785-2577
rdiubaldo@carltonfields.com
nvalenza-frost@carltonfields.com
asilverman@carltonfields.com

Counsel to National Union Fire Insurance Company of Pittsburgh, PA, and New Hampshire Insurance Company

-and-

Monique Almy (Fed. Bar No. 04479)
Miranda H. Turner (admitted *pro hac vice*)
Jordan A. Hess (admitted *pro hac vice*)
CROWELL & MORING LLP
1001 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
Telephone: (202) 624-2500
mturner@crowell.com
jhess@crowell.com

Mark D. Plevin (admitted *pro hac vice*)
CROWELL & MORING LLP
Three Embarcadero Center, 26th Floor
San Francisco, California 94111
Telephone: (415) 986-2800
mplevin@crowell.com

Counsel to Defendants American Casualty Company of Reading, PA and The Continental Insurance Company as successor-in-interest to Glens Falls Insurance Company f/k/a Fidelity-Phoenix Insurance Company

-and-

Jonathan Schapp

GSeligman@wiley.law
AHasan@wiley.law

*Counsel for General Star Indemnity
Company*

Adam R. Durst
GOLDBERG SEGALLA, LLP
665 Main Street
Buffalo, New York 14203
Telephone: (716) 844-3474
jschapp@goldbergsegalla.com
adurst@goldbergsegalla.com

G. Calvin Awkward, III (Bar No. 18652)
GOLDBERG SEGALLA, LLP
111 South Calvert Street, Suite 2000
Baltimore, MD 21202
Telephone: (443) 615-7513
cawkward@goldbergsegalla.com

*Counsel for Defendant Employers Insurance
Company of Wausau*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 17th day of June 2024, a true and correct copy of the foregoing document was filed and served via the Court's CM/ECF e-filing system on all parties of record:

Blake D. Roth, Esquire:
blake.roth@hklaw.com

Catherine Keller Hopkin, Esquire:
chopkin@yvslaw.com

Hugh M. (UST) Bernstein, Esquire:
hugh.m.bernstein@usdoj.gov

Gary R. Greenblatt, Esquire:
grg@cooncolelaw.com

Marc E. Shach, Esquire:
mes@cooncolelaw.com

Andrew D. Freeman, Esquire:
adf@browngold.com

Anthony May, Esquire:
AMay@browngold.com

Geoffrey Grivner, Esquire:
geoffrey.grivner@bipc.com

Nathan D. Adler, Esquire:
nda@nqgrg.com

Diane C. Bristow, Esquire:
dcb@nqgrg.com

Tyler N. Layne, Esquire:
Tyler.Layne@hklaw.com

Christopher Scott Kunde, Jr., Esquire:
scott.kunde@hklaw.com

Steven J Kelly, Esquire:
skelly@gelaw.com

Nicholas R. Miller, Esquire:
nick.miller@hklaw.com

Timothy P. Palmer, Esquire:
timothy.palmer@bipc.com

Gordon Z. Novod, Esquire:
gnovod@gelaw.com

Philip Tucker Evans, Esquire:
philip.evans@hklaw.com

Megan Harmon, Esquire:
megan.harmon@bge.com

Richard L. Costella, Esquire:
rcostella@tydings.com

Alan M. Grochal, Esquire:
agrochal@tydings.com

Robert T. Kugler, Esquire:
robert.kugler@stinson.com

Edwin H. Caldie, Esquire:
ed.caldie@stinson.com

Andrew J. Glasnovich, Esquire:
drew.glasnovich@stinson.com

Nicole Khalouian, Esquire:
nicole.khalouian@stinson.com

Hannah Berny, Esquire:
Hannah.berny@hklaw.com

Monique D. Almy, Esquire:
MAlmy@crowell.com

Miranda H. Turner, Esquire:
MTurner@crowell.com

Mark D. Plevin, Esquire:
MPlevin@crowell.com

Irving E. Walker, Esquire:
iwalker@coleschotz.com

J. Michael Pardoe, Esquire:
mpardoe@coleschotz.com

Robert K. Jenner, Esquire:
rjenner@jennerlawfirm.com

Bruce A. Anderson, Esquire:
banderson@eaidaho.com

Ford Elsaesser, Esquire:
felsaesser@eaidaho.com

Mark Pfeiffer, Esquire:
mark.pfeiffer@bipc.com

Jonathan Schapp, Esquire:
jschapp@goldbergsegalla.com

Sam J. Alberts, Esquire:
sam.alberts@dentons.com

David F. Cook, Esquire:
david.f.cook@dentons.com

Matthew C. Nelson, Esquire:
Matthew.Nelson@kennedyslaw.com

Jillian G. Dennehy
Jillian.Dennehy@kennedyslaw.com

Patrick C. Maxcy, Esquire:
Patrick.maxcy@dentons.com

G. Calvin Awkward, Esquire:
cawkward@goldbergsegalla.com

Gary K. Bahena, Esquire:
garybahena@bahenalaw.com

U.S. Trustee – Baltimore:
ustpreion04.ba.ecf@usdoj.gov

Adam R. Durst, Esquire:
adurst@goldbergsegalla.com

Samantha J. Hanson-Lenn, Esquire:
Samantha.hansonlenn@stinson.com

Eric G. Korphage, Esquire:
korphagee@whiteandwilliams.com

Matthew M. Weiss, Esquire:
mweiss@phrd.com

John E. Bucheit, Esquire:
jbucheit@phrd.com

Matthew G. Roberts, Esquire:
mroberts@phrd.com

John Grossbart, Esquire:
john.grossbart@dentons.com

Harris B. Winsberg, Esquire:
hwinsberg@phrd.com

R. David Gallo, Esquire:
dgallo@phrd.com

Todd C. Jacobs, Esquire:
tjacobs@phrd.com

Patrick C. Maxcy, Esquire:
patrick.maxcy@dentons.com

M. Keith Moskowitz, Esquire:
keith.moskowitz@dentons.com

Siobhain P. Minarovich, Esquire:
Minarovichs@whiteandwilliams.com

Robert H. Kline, Esquire:
kliner@whiteandwilliams.com

Adam P. Haberkorn, Esquire:
ahaberkorn@omm.com

Tancred V. Schiavoni, Esquire:
tschiavoni@omm.com

Phillip D. Anker, Esquire:
Philip.anker@wilmerhale.com

Ryan S. Appleby, Esquire:
rappleby@gibsondunn.com

Justin Philip Fasano, Esquire:
jfasano@mhlawyers.com

Kevin Foreman, Esquire:
kforeman@carltonfields.com

Ezhan Syed Hasan, Esquire:
ahasan@wiley.law

Matthew Allan Hoffman, Esquire:
mhoffman@gibsondunn.com

Annette Rolain, Esquire:
arolain@ruggerilaw.com

James Ruggeri, Esquire:
jruggeri@ruggerilaw.com

Isabella Sayyah, Esquire:
isayyah@gibsondunn.com

Gary P. Seligman, Esquire:
gseligman@wiley.law

Nora A. Valenza-Frost, Esquire:
nvalenza-frost@carltonfields.com

Jordan D. Weinberg, Esquire:
jweinberg@ruggerilaw.com

Jared Zola, Esquire:
jared.zola@blankrome.com

I HEREBY CERTIFY those same documents were served via first-class mail and email to the following persons:

James R. Murray
James S. Carter
BLANK ROME LLP
1825 Eye Street NW
Washington, DC 20006
Telephone: (202) 420-3409
Facsimile: (202) 420-2201
Jim.Murray@blankrome.com
James.carter@blankrome.com

Robyn L. Michaelson
BLANK ROME LLP
1271 Avenue of the Americas
New York, New York 10020
Telephone: (212) 885-5138
Facsimile: (917) 591-1081

J. Ford Elsaesser
ELSAESSER ANDERSON, CHTD.
320 East Neider Avenue, Suite 102
Coeur d'Alene, Idaho 83815
Telephone: (208) 667-2900
Facsimile: (208) 263-8517
firm@eaidaho.com

Attorneys for the Parishes

robyn.michaelson@blankrome.com

*Special Insurance Counsel for the Roman
Catholic Archbishop of Baltimore, a
corporation sole*

/s/ David K. Roberts

David K. Roberts